

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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ORIGINAL FILE
JUN 8 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of
Billed Party Preference
For 0+ InterLATA Calls

CC Docket No. 92-77

OPPOSITION TO PETITION TO EXPAND THE SCOPE OF RULEMAKING

MCI Telecommunications Corporation (MCI) hereby opposes the "Petition to Expand the Scope of Rulemaking" filed by the American Public Communications Council (APCC) in the above-referenced proceeding.

APCC asks the Commission to issue a "further notice of proposed rulemaking" proposing rules to ensure that local exchange carrier (LEC) payphones and the payphones of independent public payphone providers (IPP's) are both treated as "customer premises equipment" (CPE). According to APCC, "the billed party preference proceeding would impose a uniform routing convention on two classes of competitors subject to disparate regulatory regimes," which would "exacerbate the competitive imbalance and further inhibit the emergence of true competition." APCC Petition, Attachment 1, p. 2.

In addition, APCC states that since July, 1988, there has been pending before the Commission a petition for a declaratory ruling on this question, which is now "ripe to be issued as a notice of proposed rulemaking." Id. at n. 2. By consolidating these proceedings, APCC contends, the Commission would be able to address "both the uniformity of routing conventions at all

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payphones and the impact on local exchange competition of uniform regulatory treatment of all payphones", and, therefore, avoid the need for "multiple and potentially duplicative proceedings to resolve related issues." Id. at 3.

MCI urges the Commission to dismiss or otherwise deny APCC's petition because the two matters are entirely separate and should be treated as such. The central question of whether billed party preference (BPP) should be adopted pertains to the promotion of a competitive market for the provision of operator services. It is unrelated to the issue raised in APCC's petition concerning the regulatory treatment of LEC and non-LEC payphones. Contrary to APCC's assertions, there are no common issues in these two proceedings, such that consolidation would conserve the Commission's and the parties' resources and avoid a duplication of effort. Rather, consolidation would only complicate and confuse the issues involved.

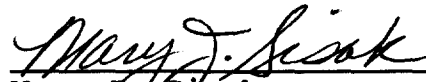
Moreover, as recognized by APCC, there is pending a petition for declaratory ruling filed by the Public Telephone Council (DA 88-2055) concerning the regulatory treatment for LEC and non-LEC payphones. Two rounds of comments already have been filed in that proceeding and the record therein has been closed. Accordingly, it would be a waste of resources for the Commission to reopen that record to re-examine that issue in this proceeding.

Based on the foregoing, MCI respectfully urges that the
Commission dismiss or otherwise deny APCC's petition.

Respectfully submitted,

MCI TELECOMMUNICATIONS CORPORATION

By:



Mary J. Sisak

Donald J. Elardo

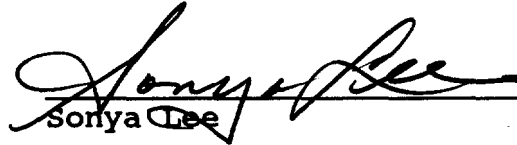
1801 Pennsylvania Avenue N.W.
Washington, D.C. 20006
202/887-2605

Its Attorneys

Dated: June 8, 1992

CERTIFICATE OF SERVICE

I, Sonya Lee, do hereby certify that on this 8th day of June, 1992, copies of the foregoing "Opposition to Petition to Expand The Scope of Rulemaking" in CC Docket No. 92-77 were served by first-class mail, postage prepaid, unless otherwise indicated, upon the parties on the attached list.


Sonya Lee

*--Hand Delivered

Gary Phillips*
Policy and Program Planning
Division
Common Carrier Bureau
Federal Communications Commission
1919 M Street N.W., Rm. 544
Washington, D.C. 20554

Downtown Copy Center*
Federal Communications Commission
1919 M Street, N.W., Rm. 246
Washington, D.C. 20554

Albert H. Kramer
Keck, Mahin & Cate
1201 New York Avenue N.W.
Penthouse Suite
Washington, D.C. 20005-3919
Attorney for the American
Public Communications Council

David Cosson
L. Marie Guillory
National Telephone Cooperative
Association
2626 Pennsylvania Avenue N.W.
Washington, D.C. 20037

Martin T. McCue
Vice President &
General Counsel
U.S. Telephone Association
900 19th St., N.W., Suite 800
Washington, D.C. 20006-2105

W. Audie Long
Kenneth F. Melley, Jr.
9311 San Pedro, Suite 300
San Antonio, TX 78216
Attorneys for
U.S. Long Distance, Inc.

Jean L. Kiddoo
Swidler & Berlin, Chtd.
3000 K Street N.W., Suite 300
Washington, D.C. 20007
Attorneys for Zero Plus
Dialing, Inc. and
Cleartel Communications, Inc.
and Com Systems, Inc.

Andrew D. Lipman
Jean L. Kiddoo
Ann P. Morton
Swidler & Berlin, Chtd.
3000 K Street N.W., Suite 300
Washington, D.C. 20007

William B. Barfield
Richard M. Sbaratta
Helen A. Shockey
Suite 1800
1155 Peachtree Street N.E.
Atlanta, Georgia 30367-6000
Attorneys for BellSouth
Telephone Companies

Francine J. Berry
Mark C. Rosenblum
Robert J. McKee
Room 3244J1
295 North Maple Avenue
Basking Ridge, New Jersey 07920
Attorneys for American
Telephone and Telegraph Company

Floyd S. Keene
Michael S. Pabian
Ameritech Operating
Companies, Room 4H76
2000 West Ameritech Center Drive
Hoffman Estates, IL 60196-1025
Attorneys for
Ameritech Operating
Companies

Patrick A. Lee
William J. Balcerski
120 Bloomingdale Road
White Plains, New York 10605
Attorneys for
New York Telephone Company
and New England Telephone
and Telegraph Company

John A. Ligon
Law Office of John A. Ligon
128 Mount Hebron Avenue
Post Office Box 880
Upper Montclair, NJ 07043
Attorney for Comtel Computer
Corporation

Larry Moreland
President
SDN Users Association, Inc.
c/o Caterpillar, Inc.
600 W. Washington St., AD341
East Peoria, IL 61630

Douglas F. Brent
Associate Counsel
10000 Shelbyville Road
Louisville, Kentucky 40223
Attorney for Advanced
Telecommunications Corp.,
Americall Systems, Inc.,
First Phone of New England,
Inc.

Douglas N. Owens
4705 16th Street N.E.
Seattle, WA 98105
Attorney for Northwest
Pay Phone Association

Mitchell F. Brecher
Dow, Lohnes & Albertson
1255 Twenty-Third Street N.W.
Washington, D.C. 20554
Attorney for Phonetel
Technologies, Inc.

Greg Casey
Senior VP, Regulatory Affairs
Jane A. Fisher
Director, Federal Regulatory
6707 Democracy Blvd.
Bethesda, MD 20817
International Telecharge, Inc.

Danny E. Adams
Brad E. Mutschelknaus
Steven A. Augustino
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006
Attorneys for Competitive
Telecommunications Assn. and
International Telecharge, Inc.

H. Richard Juhnke
Leon M. Kestenbaum
1850 M Street N.W.
Suite 1100
Washington, D.C. 20036
Attorneys for
Sprint Communications

John M. Goodman
Bell Atlantic
Telephone Companies
1710 H Street N.W.
Washington, D.C. 20006

James P. Tuthill
Nancy C. Woolf
Theresa L. Cabral
140 New Montgomery St., Rm. 1523
San Francisco, California 94105
Attorneys for Pacific Bell
and Nevada Bell

Glenn B. Manishin
Blumenfeld & Cohen
1615 M Street, N.W., Suite 700
Washington, D.C. 20036
Attorney for Value-Added
Communications, Inc.

Gail L. Polivy
1850 M Street N.W.
Suite 1200
Washington, D.C. 20036
Attorney for GTE
Service Corporation

James L. Wurtz
1275 Pennsylvania Ave., N.W.
Washington, D.C. 20004
Attorney for Pacific Bell
and Nevada Bell

Randolph J. May
David A. Gross
Elizabeth C. Buckingham
Sutherland, Asbill & Brennan
1275 Pennsylvania Ave., N.W.
Washington, D.C. 20004
Attorney for Capital Network
System, Inc.

Duward D. Dupre
Richard C. Hartgrove
John Paul Walters, Jr.
1010 Pine Street, Room 2114
St. Louis, Missouri 63101
Attorney for Southwestern
Bell Telephone Company

Lawrence E. Sarjeant
Randall S. Coleman
1020 19th Street N.W.
Suite 700
Washington, D.C. 20036
Attorneys for US West
Communications, Inc.

Rick L. Anthony
Executive Vice President
Quest Communications Corporation
6600 College Boulevard, Suite 205
Overland Park, KS 66211